(26)

## HIGH COURT OF CHHATTISGARH AT BILASPUR

## W. P.(S) No. 1476 of 2007

Petitioner : Gokula Singh Sidar son of Aaghan Singh Sidar, aged about 37 years, Asst. Teacher, Primary School Bankheta, Block Development and District Korba, Chhattisgarh.

Versus

Respondents :

1. State of Chhattisgarh Through The Secretary School Education Department Ministry D.K.S. Bhawan, Raipur, Chhattisgarh.
2. The Commissioner, Tribal Welfare Department, Korba, Chhattisgarh
3. The Assistant Commissioner, Tribal Welfare Department Korba (C.G.)
4. The Director, Public Instruction Department, Raipur (C.G.)

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

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Present: Mr. Om. P. Sahu, Advocate for the petitioner.

Ms. Deepali Pandey, Panel Lawyer for respondents/State.

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## O R D E R

(Passed on this 14th Day of March, 2007)

1. The petitioner was appointed vide order dated 19.01.1990 (Annexure P/1) as Assistant Teacher on fixed pay scale of

Rs. 300/-. After completion of one year probation, he was granted regular pay scale of Rs. 1200-2000/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether, the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken-up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that this petition is allowed in the same terms. No order as to costs.

**Sd/-**
**Satish K. Agnihotri**
**Judge**